

<p align="center"><b>STATE OF VERMONT</b></p> <p align="center"><b>AGENCY OF HUMAN SERVICES</b></p> <p align="center"><b>DEPARTMENT OF CORRECTIONS</b></p>	<p><b>Title:</b></p> <p align="center"><b>VICTIM NOTIFICATION</b></p>	<p align="right"><b>Page 1 of 3</b></p>
<p><b>Chapter:</b></p> <p align="center"><b>Programs – Victim’s Services</b></p>	<p align="center"><b># 502.01</b></p>	<p><b>Supersedes</b></p> <p>#502.01 (dated 11/16/2009)</p>
<p><b>Attachments, Forms &amp; Companion Documents:</b></p> <p>This directive has guidance document(s) that provide further implementation detail. Any associated documents are available on the Department of Corrections website.</p>		
<p><b>Local Procedure(s) Required:</b> Yes.</p> <p><b>Applicability:</b> All staff (including contractors and volunteers)</p> <p><b>Security Level:</b> “B” – Anyone may have access to this document.</p>		
<p>PDU Review 5-7-15 prior to PDT</p>		

## PURPOSE

This administrative directive outlines the process by which victims of crime, affected persons, and other members of the community receive notification, or otherwise access information regarding the status of offenders that are in custody (incarcerated) or under the supervision of the Vermont Department of Corrections (DOC). This administrative directive provides the implementation mechanism to ensure that the DOC adequately meets statutory requirements surrounding victims’ rights and notification.

## POLICY

The DOC recognizes and endeavors to consistently fulfill its statutory obligations to victims of crime, in addition to implementing victim-informed best practices. This approach holistically addresses the needs of individuals and communities that have been affected by crime.

The DOC meets its statutory obligations through its utilization of automated notification technology and through non-automated contact done by specialized DOC staff members. This combination of automated and no-automated contact ensures the DOC is adequately meeting its commitment to supporting the rights of victims to receive timely notifications regarding changes in an offender’s status. In addition to victim notification the DOC’s automated notification technology allows community members to access general information regarding the status of an offender.

Victims of listed crimes are supported in pursuing their right to participate in parole board hearings in an informed and victim-sensitive manner. Victims/affected person(s) are also invited to exercise their right to participate in specific correctional system processes by engaging with a continuum of victim-centered services made available throughout the course of the offender’s custody and supervision.

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2 **AUTHORITY**  
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4 28 V.S.A. § 104(a) 507; 13 V.S.A. §§ 5301, 5303, 5305; *Peck v. Counseling Service of Addison*  
5 *County, Inc.*, 146 Vt 61 (1985).<sup>1</sup>  
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7 **REFERENCE**  
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9 Vermont Department of Corrections Policies/Administrative Directives #254.04 Case Note  
10 Documentation, #353 Terminal Illness & Inmate Death, #371.05 Offender Responsibility Plan,  
11 #371.14 Residence Approval, #371.15, Conditional Re-entry, #371.26, Reintegration Furlough,  
12 #372.03 Compassionate Leave Furlough, #406.01 Transportation (“A” security level), #418.01 Out  
13 of State Movement & ICAOS, #501.01 Restorative Justice Programs, #502 Victim Services, #502.02  
14 Victim Contact Standards. Department of Corrections Work Rules (4.07.97)  
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16 **DEFINITIONS**  
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18 Victim: means a person who sustains physical, emotional or financial injury or death as a direct result  
19 of the commission or attempted commission of a crime or act of delinquency and shall also include  
20 the family members of a minor, incompetent or a homicide victim.  
21

22 Affected person: means any of the following persons who have requested notification utilizing the  
23 registration system from the court or the DOC:

- 24 A. Witnesses;  
25 B. Jurors;  
26 C. Family members;  
27 D. Any other persons who demonstrate to the court that the release or escape of a defendant will  
28 constitute a threat of physical, emotional or financial injury or death.  
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30 Family member: means a spouse, child, sibling, parent, next of kin, domestic partner, or legal  
31 guardian of a victim.  
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33 Release: means release from a correctional facility to furlough or to probation or parole supervision,  
34 release from a correctional facility upon expiration of sentence or release from a correctional facility  
35 on bail after the defendant's initial appearance.  
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37 Confidentiality: refers to the maintenance of any information pertaining to the victim, including, but  
38 not limited to, victim contact information or case notes involving victim contact. Such information  
39 must be stored in a secure location where only members of Victim Services Program staff or other  
40 authorized Department staff are permitted access. Victim confidentiality requires that no information  
41 about the victim be shared with the offender without the victim’s express permission, or as required  
42 by court order.

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<sup>1</sup> This case is where the Vermont Supreme Court adopted the *Tasasoff* ruling in which requires a duty to protect individuals when there is a threat of bodily harm made by an individual in their care.

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2 **PROCEDURAL GUIDELINES**  
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4 DOC ensures that victims receive notification when the offender(s) in their case experiences a change  
5 in custody status. Status changes that initiate notification include:

- 6 A. Release from incarceration such as release on bail,  
7 B. Release upon completion of a maximum or split sentence,  
8 C. Release to community supervision;  
9 D. Transfer to court;  
10 E. When an offender escapes, is recaptured, dies, or  
11 F. Receiving a commutation of sentence, or a pardon by the Governor.  
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13 Notice shall be given to the victim/affected person(s) as expeditiously as possible at the email address  
14 or telephone number provided to the DOC by the person (or agent) requesting notification.

15 Notifications will be made using the DOC's automated notification technology or by direct  
16 communication by an appropriate staff member, as determined by the DOC. In the event of an  
17 offender's death an appropriate DOC staff member shall promptly notify the victims through non-  
18 automated means. The DOC will also use non-automated means of notifications for other status event  
19 changes, such as escape, when deemed necessary by an appropriate DOC staff member. The DOC  
20 will make every reasonable attempt to provide notification to victims using the contact information  
21 entered into the VANS system by the registrant (or agent). It is the responsibility of the  
22 registrant/victim to keep registration information for purpose of notification current. Any email  
23 address, physical address or telephone number provided shall be kept confidential. Victims of listed  
24 crimes will also be afforded the opportunity to provide input regarding an offender's pending release  
25 into the community where issues pertaining to victim safety have been identified.  
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27 Victims of listed crimes have the right to participate in parole board hearings. Victims who provide  
28 current contact information will be notified of the offender's eligibility for parole board consideration  
29 at least 30 days prior to the parole board hearing. Victims have the right to appear in person before  
30 the board, with or without the offender being present, or they may elect to provide a written statement  
31 for the parole board's consideration. Victims will promptly be informed of parole board decisions and  
32 any attached conditions/restrictions pertaining to the offender's release.  
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34 **TRAINING**  
35 **QUALITY ASSURANCE**  
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